

**[4910-13]**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 91**

**Docket No. 29317; Special Federal Aviation Regulation (SFAR) No. 82**

**RIN 2120-AG67**

**Removal of the Prohibition Against Certain Flights Within the Territory and  
Airspace of Sudan**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; removal.

**SUMMARY:** This action removes Special Federal Aviation Regulation (SFAR) No. 82, which prohibits flight operations within the territory and airspace of Sudan by any United States air carrier or commercial operator, by any person exercising the privileges of an airman certificate issued by the FAA, or by an operator using an aircraft registered in the United States unless the operator of such aircraft is a foreign air carrier. This action is taken in response to the decrease in the tensions that followed U.S. military strikes against terrorist and industrial facilities associated with Usama Bin Ladin in Sudan and Afghanistan, which has reduced the threat of hostile actions against persons and aircraft engaged in flight operations within Sudan's territory and airspace.

**EFFECTIVE DATE:** November 17, 1999

**FOR FURTHER INFORMATION CONTACT:** David Catey, Air Transportation  
Division, Flight Standards Service, Federal Aviation Administration, 800 Independence  
Avenue, SW., Washington, D.C. 20591. Telephone: (202) 267-8166.

**SUPPLEMENTARY INFORMATION:**

**Availability of this action**

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service ((703) 321-3339), the Government Printing Office's (GPO) electronic bulletin board service ((202) 512-1661), or the FAA's Aviation Rulemaking Advisory Committee Bulletin Board service ((800) 322-2722 or (202) 267-5948). Internet users may reach the FAA's web page at <http://www.faa.gov> or the GPO web page a <http://www.access.gpo.gov/nara> for access to recently published rulemaking documents.

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Ave, SW, Washington, DC 20591, or by calling (202) 267-9677. Communications must identify the docket number of this action.

Persons interested in being placed on the mailing list for future rules should request from the above office a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

**Small Entity Inquiries**

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires the FAA to report inquiries from small entities concerning information on, and advice about, compliance with statutes and regulations within the FAA's jurisdiction, including interpretation and application of the law to specific sets of facts supplied by a small entity.

If you are a small entity and have a question, contact your local FAA official. If you do not know how to contact your local FAA official, you may contact Charlene Brown, Program Analyst Staff, Office of Rulemaking, ARM-27, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 1-888-551-1594. Internet users can find additional information on SBREFA in the “Quick Jump” section of the FAA’s web page at <http://www.faa.gov> and may send electronic inquiries to the following Internet address: [9-AWA-SBREFA@faa.dot.gov](mailto:9-AWA-SBREFA@faa.dot.gov).

### **Background**

On August 20, 1998, the U.S. military conducted strikes against terrorist and industrial facilities associated with Usama Bin Ladin in Sudan and Afghanistan. As a result of the strike, the FAA determined that a hostile reaction from armed elements in Sudan was possible, and that the safe overflight of Sudanese territory could not be guaranteed. Accordingly, the FAA issued a final rule prohibiting certain aircraft operations within the territory and airspace of Sudan on August 21, 1998. SFAR 82 prohibits flight operations within the territory and airspace of Sudan by any United States air carrier or commercial operator, by any person exercising the privileges of an airman certificate issued by the FAA, or by an operator using an aircraft registered in the United States unless the operator of such aircraft is a foreign air carrier. The FAA imposed the flight prohibition in the exercise of its statutory responsibility for the safety of U.S.-registered aircraft and U.S. operators.

The FAA has since determined that tensions with Sudan have decreased, which has reduced the potential threat of hostile actions against persons and aircraft engaged in flight operations within Sudan’s territory and airspace. Sudan has an extremely limited

capability to target overflying aircraft and has expressed no intent to target civil aircraft within its airspace. There now appears to be no heightened threat to civil aviation within the territory and airspace of Sudan.

### **Regulatory Analyses**

The FAA has determined that this action is not a “significant regulatory action” under Executive Order 12866, nor is it considered a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because this amendment removes a restriction that is no longer appropriate, the FAA finds that this final rule may be issued without public comment and may be made effective immediately. The FAA also certifies that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Therefore, on the basis of the foregoing information, I have determined that the immediate removal of SFAR 82 from 14 CFR Part 91 is appropriate. The Department of State has been advised of, and has no objection to, the action taken herein.

### **List of Subjects in 14 CFR Part 91**

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Sudan.

### **The Amendment**

For the reasons set forth above, the Federal Aviation Administration amends 14 CFR Part 91 by removing SFAR 82 as follows:

### **PART 91-GENERAL OPERATING AND FLIGHT RULES**

1. The authority citation for part 91 continues to read as follows:

**Authority:** 49 USC 106(g), 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506-46507, 47122, 47508, 47528-47531.

2. Special Federal Aviation Regulation No. 82 is removed.

Issued in Washington, DC, on November 17, 1999

/s/

Jane F. Garvey  
Administrator.